

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Thomas Walter Thorne

Docket No. 5:04-CR-191-1BO

Petition for Action on Supervised Release

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Thomas Walter Thorne, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With the Intent to Distribute More Than 50 Grams of Cocaine Base (Crack), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on March 29, 2005, to the custody of the Bureau of Prisons for a term of 150 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

On May 5, 2009, the defendant's term of imprisonment was reduced from 150 months to 135 months. All other conditions of the original judgment remained the same.

Thomas Walter Thorne was released from custody on April 11, 2014, at which time the term of supervised release commenced.

On June 24, 2015, the conditions of supervised release were modified to add 24 hours of community service as directed by the probation office in response to the defendant's arrest for the offense of Driving While Impaired and Possession of Open Container/Consume Alcohol in Passenger Area, offenses the defendant admitted to committing. The court was also informed the defendant submitted drug tests on June 8 and 12, 2015, which were positive for cocaine. He was referred for substance abuse treatment and returned to the beginning phase of the Surprise Urinalysis Program.

As a result of the defendant testing positive for cocaine on October 13, 2015, and committing the offense of Driving While License Revoked on October 15, 2015, the conditions of supervision were modified in December 2015, to include two weekends in the custody of the Bureau of Prisons.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On December 14, 2016, the defendant submitted a urine specimen that tested positive for cocaine. When questioned regarding the validity of the test, the defendant admitted to using cocaine as a means of dealing with different stressors in his life. Since the conditions of supervision were modified in December 2015, and until December 2016, the defendant has had his driving privileges reinstated, and he had not tested positive for illegal drugs in over a year. As a result of his latest drug use, the defendant has returned to substance abuse treatment, and his drug testing frequency has been increased. Rather than return to court at this time, it is recommended the defendant's conditions of supervision be modified to include the completion of 40 hours of community service work as directed by the probation office. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 40 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8808
Executed On: January 17, 2017

ORDER OF THE COURT

Considered and ordered this 18 day of January, 2017, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge